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PLANNING AND ZONING
IN RHODE ISLAND

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by

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Consultants to the State Planning Board

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Rhode Island State Planning Board

Special Report No. 11

April 9, 1937

Previous Special Reports

1. Inventory of Public Works Projects in Rhode Island March 1, 1935
2. Proposed Slum Clearance and Housing Project for
Providence: South Main - Wickenden district May 18, 1935
3. Proposed Slum Clearance and Housing Project for
Providence: North End district Aug. 3, 1935
4. Survey of Social, Agricultural, Industrial and
Housing Condition in Rhode Island Sept. 12, 1935
5. Preliminary Investigation of the Blackstone
River Feb. 5, 1936
6. Rhode Island Commercial Fisheries March 24, 1936
7. Rhode Island Boundaries 1636 - 1936 June 15, 1936
8. Rhode Island Population Trends Aug. 20, 1936
9. Rhode Island Water Resources Sept. 29, 1936
10. Public Works Programming in Rhode Island 1936 Jan. 27, 1937

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FOREWORD

The purpose of this report is to stimulate planning, zoning and land subdivision control in the cities and towns of Rhode Island for the purpose of achieving better communities at less cost to the taxpayers.

It describes the means by which planning boards may be established and offers a suggested procedure to govern the activities of such boards. It explains the objectives of zoning and land subdivision control, and sets forth the manner in which they may be consummated.

It lists the planning boards existent in the state and analyzes the organization of each. It enumerates the cities and towns having zoning ordinances and presents a digest of each ordinance.

The appendix contains a copy of the present state laws authorizing community planning and zoning.

Acknowledgment is made to the National Resources Committee, the New England Regional Planning Commission, the Works Progress Administration, and the New Hampshire Planning and Development Commission for assistance in the preparation of this report.

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TABLE OF CONTENTS

	Page No.
Part I - General Considerations	1
Planning	1
Zoning	3
Land Subdivision Control	3
Part II - Organization and Procedure	5
Planning Boards	5
Zoning	8
Land Subdivision Control	8
Part III - Present Status of Planning and Zoning in Rhode Island	9
Planning Boards	10
Zoning Ordinances	19
Part IV - Appendix	35
State Planning Board Enabling Act	35
State Zoning Enabling Act	36

PART I - GENERAL CONSIDERATIONS

City and town planning aims to promote, through the exercise of foresight, the orderly and economical development of a community with due regard for health, safety, convenience, and the public welfare, as well as for the community's commercial, industrial, and recreational advancement.

Planning is concerned with all public lands and projects, including highways, railways, airways, waterways, recreational and conservation areas, public buildings, and public utilities. It is also concerned with private property to the extent of imposing regulations for the general welfare of the community. Such regulations include land subdivision control, and building, housing, and zoning ordinances.

PLANNING

Haphazard Versus Orderly Planning

Every city and town, every day, is changing, growing, or having necessary parts wear out. Every time a new pavement is built, a sewer or water pipe laid or replaced, or a new school building erected, some city planning is done. The question is not "to plan or not to plan." Every community has to plan, every day. The only question is whether this planning shall be done piecemeal, hit or miss, in bits as each problem arises, or whether it shall be done in a broad, comprehensive manner in advance, for the entire city and the surrounding region, so that every time even a small improvement is made it will fit perfectly into the scheme for the whole region, like a piece in a picture puzzle. The latter is the only sensible method.

Planning Is Not a Luxury

Planning does not increase public expenditures. A city need not add one cent to the amount that it would normally allot for improvements, just because it has a plan. Planning simply assures that the most necessary and important improvements are made first, and that they are properly made and properly located so that they will not have to be torn up and rebuilt a few years later.

Some Results of the Lack of Orderly Planning

Mustard has been defined as "The stuff that makes sandwiches taste badly if they don't have any." Similarly, city planning may be defined as the process that makes cities unpleasant and expensive places in which to live if they don't have it!

All too many communities are suffering from a lack of planning. Their streets are widened at great expense and with the loss of rows of beautiful shade trees when the problem might have been better solved by developing a parallel street for traffic or perhaps by constructing a by-pass highway which would carry most of the traffic around the city. New subdivisions are laid out in such a manner that they block what should have been through traffic arteries. Public buildings are poorly located, having no considered relation to other public buildings or to other elements of the city from the standpoint of either architecture or of service. This catalog of instances could be continued indefinitely.

It Pays to Plan

Planning is a sensible and reasonable method of procedure. To develop a city or town without a unified plan for the whole is as unreasonable as to build a house in that manner.

No sane person about to build a house would think of engaging one man to locate, plan, and build the best possible cellar, another the bathroom, another the parlor, another the bedroom, and still another the front porch, without making definite arrangements for these men to work together following a plan, so that each might know what the other was doing.

Most communities have awakened to the fact that it is just as unreasonable to ask one group of men to plan the highways of the town, another the park system, another the areas to be set aside for industry, business, and homes, while still another plans the sewerage and water-supply systems.

When a city or town is developed without a definite plan, such instances as these too often occur: the park department builds children's playgrounds in a section which is zoned for industrial purposes and in which, after a few years, there will be no children; the zoning board, in its turn, permits apartment houses to be built along a street in which the water department has laid water-supply pipes large enough to serve only single-family houses; the highway department puts an excellent macadam pavement on a street in July, and in August the sewer department tears it up to put in a large sewer necessitated by the construction of a new high school,--a building project previously known only to the School Board. The building inspector permits the erection of a costly building, which is removed the following year to permit the widening of a street,--a project long considered by the highway department. Planning will save taxpayers' money by preventing such haphazard city development. It pays to plan.

Summary of Advantages

The advantages of planning may be summarized as follows:

1. Planning provides a definite program to guide the future growth of a community.

2. It prevents haphazard and wasteful growth, and assures the intelligent spending of public funds for projects which are most needed.

3. It provides for the conservation of the natural resources and traditions of a community, and for the development of the community's assets.

4. It makes a community a healthier, pleasanter, more efficient place in which to live, play, and work.

5. It provides for the co-ordination of the work of local agencies with those of adjoining communities and those of the state.

ZONING

Zoning, which is a part of planning, is the division of a community into districts in which may be regulated the use of land and buildings, the height or bulk of buildings, the proportion of a lot that may be covered by them, and the density of population.

Zoning aims to secure the erection of the right building, for the right purpose, in the right place. It conserves the value of buildings and land, stimulates the development of business districts, and protects residential districts.

From an almost unheard of subject in 1916, zoning became popular over night and spread across the entire country until, at the beginning of this decade, more than 46 million property owners, or more than 67 per cent of the entire urban population of the United States, lived under the protection of zoning. The figures are even larger today.

LAND SUBDIVISION CONTROL

Subdivision control, as provided in most states, is the regulation, by the community, of the plans of a proposed land subdivision. It is enforced by requiring the subdivider to submit his subdivision plans to the community planning commission and to secure its approval before the plan may be officially recorded. The planning commission checks such features as the arrangement and width of streets, their relation to the street system of the city, and their adaptation to topography; the size of blocks and lots; the installation of essential utilities such as sewers and water supply; and the provision of necessary public open spaces and public-building sites. Rhode Island has no state law authorizing communities to exercise land subdivision control.

Land subdivision control benefits the individual subdivider, the lot purchaser, and the community as a whole.

The planning commission can often suggest improvements in a plan which will make it better from the standpoint of the city and at the same time will save the subdivider large sums of money in construction costs, and in other ways will enable him to make a larger profit. Nearly all reputable real-estate operators advocate and support land subdivision control.

The lot purchaser benefits from subdivision control because he obtains usable lots and streets, suitable improvements, adequate public utilities, and an economical layout.

The community benefits because every properly designed and developed land subdivision becomes a link in carrying out the community plan.

Rhode Island should adopt legislation providing for proper land subdivision control.

PART II - ORGANIZATION AND PROCEDURE

PLANNING BOARDS

Organization

Planning boards may be organized in one of the three following methods:

1. A permanent board may be created by an ordinance enacted by a city or town council under the provisions of Chapter 804 of the Public Laws of Rhode Island, 1926, which authorizes cities and towns to create planning boards (See Appendix, page 35, for a copy of the State Act). The ordinance of the city or town council should provide for the number of members and their length of terms, and should define the Board's powers and duties and the obligations of the municipality. This is the approved method of organization.

2. A temporary board may be created by vote of a city or town council for a specified period.

3. An unofficial board may be formed by any group of people, for the purpose of studying local planning. Through the acts and recommendations of such a board, the creation of an official board may be stimulated.

Procedure

The first acts of a new city or town planning board should be the election of a chairman and a secretary, the establishment of headquarters, and the adoption of a program. The initial program is usually substantially as follows:

1. The preparation of a synopsis of planning work already accomplished in the community.

2. The preparation of a series of "existing conditions maps" of the community.

3. The analysis and co-ordination of the basic conditions and trends as disclosed by existing conditions.

4. The layout of a preliminary long-range plan for the development of the community.

Following the adoption of the program, a board's procedure will be governed by the amount of funds placed at its disposal. If these are adequate to provide for a clerical, research, and draughting staff, as well as part-time services of a consultant,

the work of the board, itself, will be confined principally to attendance at meetings, to the determination of important policies, and to giving instructions and receiving reports from the consultant and staff.

If only nominal funds are available, it will be incumbent upon the members of the board, possibly through sub-committees, to perform the necessary services themselves. In either case, the program should be followed, step by step, substantially as follows:

1. Synopsis of Planning Work. Obtain from local, State, and Federal agencies, libraries, historical societies, and other sources copies of all available reports, books, pamphlets, plats, maps, plans, and other data relating in whole or in part to the community. These should be studied, analyzed, and filed for future reference.

2. Existing Conditions Maps. The first step is to secure or prepare a base map of the community, showing accurately all boundaries, roads, railroads, bridges, and waterways. This map should be reproduced in several copies, on each of which specific information as to existing conditions should subsequently be shown, either in colors or by means of hatching. The necessary data may be obtained from municipal or state records or from other sources. These maps may consist of the following:

a. Land-use map showing, in different colors, areas used for residences, business, industry, agriculture, forest land, et cetera.

b. Utilities map showing water, sewer, gas, electric light, and power transmission lines.

c. Education map showing the location of schools and libraries.

d. Open spaces map showing parks, playgrounds, airports, cemeteries, golf clubs, and bathing beaches.

e. Public-buildings map showing town halls, post offices, court houses, police and fire stations, et cetera.

f. Special features map showing locations or monuments of historical or architectural significance or of natural beauty.

g. Vacation facilities map showing location of hotels, summer cottages, and other features to attract vacationists.

Each of these maps should be accompanied by a report listing the features noted thereon and giving additional details.

3. Analysis of Basic Conditions. A study and analysis of the existing conditions maps and of the accompanying reports will induce various questions: Is the land being used advantageously to the owners and to the general welfare of the community? Is the town adequately served with pure water for drinking, with a suitable system of sewers and a disposal plant, and with other desirable utilities? Are there adequate schools and libraries, and are they conveniently located? Has the town sufficient park and playground areas? Is the business district central to the center of population? Do the roads and streets form a convenient system of circulation within the community, and are the through highways appropriately located?

These and many other matters should be considered, and contemplated improvements should be indicated on the maps.

A study should also be made of various trends within the community with respect to such matters as population, fiscal considerations, education, housing, business, and industry.

4. Long-Range Plan. When the factual data and trends have been assembled and analyzed, and consideration has been given to means for their improvement, a comprehensive study of the community as a whole should be undertaken. For this work, the services of a professional planning consultant are necessary. Consideration should be given to certain basic needs such as thoroughfares, transportation, public buildings, public utilities, and recreation, and to such matters as zoning, land subdivisions, building laws, and a long-term budgeted program of needed public improvements.

The town plan, when completed, should include the following:

a. Such maps as may be necessary to show proposed highway changes, the location and design of public open spaces, the general location of all public utilities for water, light, sanitation, communications, and power, proposals for transportation facilities, the beautification of the town, and the development of waterfronts and other special features.

b. A zoning map which will show the boundary lines of the various use districts, with indications as to the uses which are allowed in those districts. This should be accompanied by a zoning ordinance providing regulations for the height, area, bulk, location, and use of buildings and premises. If a zoning map and ordinance are already existent, provisions for their revision may be in order to accord with the comprehensive plan.

c. A program for carrying out the town plan, which will contain a list of all proposed improve-

ments in order of necessity, and a financial plan for carrying them out over a period of years.

d. A written report describing the plan and containing any additional recommendations that cannot be described thereon.

ZONING

A community may be zoned through an ordinance enacted by a city or town council under the provisions of Chapter 57 of the General Laws of Rhode Island, 1923, as amended, which authorizes cities and towns to enact zoning ordinances (See Appendix, page 36, for a copy of the State Act).

Three factors are involved in the zoning plan as follows:

1. A zoning map which will show the boundary lines of the various use districts, with indications as to the permitted uses.
2. An ordinance, supplementing the map, which will provide the necessary definitions and regulations for the height, area, bulk, location, and use of buildings and premises.
3. A Board of Review of five members with power to grant, after a public hearing, exceptions from the terms of the ordinance where such exceptions are reasonably necessary for the convenience or welfare of the public and are not contrary to the public interest, and where, owing to special conditions, a literal enforcement will result in unnecessary hardship.

A community, before enacting a zoning ordinance, should retain the services of a professional consultant to prepare the map and draft the ordinance. Where zoning is included as a part of a comprehensive city or town plan, the planning consultant will be qualified also to make the necessary provisions for zoning. For best results, zoning should be undertaken as an integral part of planning.

LAND SUBDIVISION CONTROL

Although the State of Rhode Island has no law authorizing its towns and cities to exercise control over proposed land subdivisions, an indirect control is exercised by the Zoning Board of Review of Westerly, which requires plats of proposed subdivisions to be submitted to it, and by the Boards of Review of East Providence, North Providence, Providence, and Woonsocket which leave the submission of plats optional with the subdivider. Such control is not adequate.

To cope with the rapid building development which is taking place, every city and town in Rhode Island should be exercising reasonable control over all new land subdivisions. Otherwise, errors will be made, today, which can be corrected in the future only at great expense and effort.

PART III - PRESENT STATUS OF PLANNING AND ZONING
IN RHODE ISLAND

The extent to which cities and towns in Rhode Island have planning boards, zoning ordinances, and building codes is indicated as follows:

<u>CITY or Town</u>	<u>Planning Board</u>	<u>Zoning Ordinance</u>	<u>Building Code</u>
Barrington	X	X	X
Bristol		X	X
Burrillville			
CENTRAL FALLS			X
Charlestown			
Coventry			
CRANSTON	X	X	X
Cumberland	X		X
East Greenwich		X	X
East Providence	X	X	X
Exeter			
Foster			
Glocester			
Hopkinton			
Jamestown		X	X
Johnston		X	
Lincoln			X
Little Compton			
Middletown			
Narragansett	X	X	X
NEWPORT	X	X	X
New Shoreham			
North Kingstown			
North Providence		X	X
North Smithfield	X	X	X
PAWTUCKET		X	X
Portsmouth			
PROVIDENCE	X	X	X
Richmond			
Scituate			
Smithfield			
South Kingstown	X	X	X
Tiverton	X		
Warren			X
WARWICK		X	X
Westerly		X	X
West Greenwich			
West Warwick		X	X
WOONSOCKET		X	X
Totals	10	18	21

PLANNING BOARDS

There are existent in Rhode Island one state and ten municipal planning boards.

The State Planning Board was first organized December 7, 1934, as a temporary board, by Governor Theodore Francis Green. It was created as an official state agency on March 21, 1935, under Chapter 2198 of the Public Laws, amended in 1936.

The existing municipal planning boards, listed in the order of their creation, are as follows:

City Plan Commission	Providence	1913
City Planning Board	Newport	1931
City Plan Commission	Cranston	1933
Planning Board	Tiverton	1933
Town Planning Board	Narragansett	1934
Planning Commission	Cumberland	1935
Planning Board	South Kingstown	1935
Town Planning Board	North Smithfield	1935
Town Planning Board	East Providence	1935
Town Planning Board	Barrington	1936

Chapter 804 of the Public Laws of Rhode Island, 1926, authorizes cities and towns in the state to create planning agencies. Ordinances providing for planning agencies, under the authority of this law, have been enacted in Providence, Newport, Cranston, North Smithfield, and Barrington. The other planning agencies, located respectively in Narragansett, Tiverton, Cumberland, South Kingstown, and East Providence, were created by vote of the Town Councils.

Data with respect to the State Planning Board and the municipal planning boards, together with abstracts of laws or ordinances creating them, follow.

STATE PLANNING BOARD

The State Planning Board was created under Chapter 2198 of the Public Laws, 1935, amended 1936. It is a Division of the Executive Department.

Its headquarters are located at 520 Potters Avenue, Providence, where a staff is maintained. The staff consists partly of State employees and partly of workers operating under Works Progress Administration Federal Sponsored Project No. 3. The National Resources Committee advises the State Planning Board and furnishes it with consulting services.

Present Membership

To serve until 1938

Wallis E. Howe of Bristol
John F. Lennon of Pawtucket
Domenic DiNapoli of Providence

To serve until 1939

John Nicholas Brown of Newport, Chairman
John V. Keily, Chief, State Division
of Roads and Bridges
Richard B. Watrous of Providence

To serve until 1940

Walter F. Fontaine of Woonsocket
Charles F. McElroy, Director, State Department
of Public Works
Frank O'Donnell, Chief Engineer, State Division
of Forests, Parks and Parkways

Analysis of the State Planning Board Law

Membership

Nine members, three appointed each year by the Governor for three-year terms, three of the members to be executive officers of the Department of Agriculture and Conservation and the Department of Public Works.

Duties of Board

Advise with state and local agencies for the purpose of co-ordinating physical development plans.

Make studies to determine suitable areas for land uses of statewide concern.

Prepare a synopsis of planning work already accomplished in the state, analyze and co-ordinate the same, and make a series of existing conditions maps.

Lay out a preliminary long-range plan for state development, in co-operation with other State and local agencies. Keep current a program of major state improvements, and prepare a master plan for the physical development of the state.

Collect and publish information relating to the development of the state and the conservation of its natural resources, and make recommendations to the Governor and Legislature, preceded by hearings if desired.

Consider and report with recommendations on projects submitted by state agencies.

Make maps, studies, and surveys for the information of the Governor and the Legislature.

Co-operate with state, regional, and municipal agencies to stimulate an orderly and co-ordinated development of the state.

Duties of the State

All state agencies shall give notice to the Board of contemplated major public improvements or proposed acquisitions or changes of use of public lands, and shall request the Board's recommendations thereon.

All public officials shall furnish the Board with information, as requested.

The Director of the Department of Public Works shall provide the Board with office space.

Duties of Municipalities

Local planning boards shall annually, before November 1st, file with the State Planning Board reports of activities and accomplishments.

Annual Report

To be submitted in January of each year.

Funds

As provided by the State, the Federal Government, or by gifts.

BARRINGTON TOWN PLANNING BOARD

Created by ordinance of Town Council, September 22, 1936.

Headquarters: Town Hall.

Present Membership

To serve until 1937

George Baron
Mrs. Lena P. J. Crabtree
Fannie R. Dunbar

To serve until 1938

Carmine J. Longo
Earle F. Prout

To serve until 1939

Elmer S. Horton, Chairman
Ernest I. Kileup

(Barrington - continued)

Analysis of the Ordinance

Membership

Seven members, either two or three elected annually for three-year terms at financial town meeting.

General Duties

Keep advised of state, city, and town planning in Rhode Island, and obtain plans and data; make existing conditions maps; collect and publish information with respect to the town's development; prepare long-range development plan; hold hearings when necessary.

Studies and Recommendations

Make studies with recommendations thereon to the Town Council concerning the general welfare of the citizens, town property, housing conditions, land utilization, natural resources, pollution of waters, public health, recreation, roads, sewers, traffic problems, and waterfront development, all with respect to the town's future development.

Consider and report to the Town Council with recommendations concerning proposed designs for beaches, parks, public buildings, public lands, roads, sidewalks, and other public places and structures, as well as for proposed changes in existing places and structures.

Duties of the Town

Furnish the Board with necessary information; submit to Board, for consideration and report, all proposed public projects.

Reports

Submit annual report to Town Council in June. File report with State Planning Board annually before November 1.

CRANSTON CITY PLAN COMMISSION

Created by ordinance of City Council, February 21, 1933.

Headquarters: City Hall.

Present Membership

Ex-officio Members

Hon. Ernest L. Sprague	Mayor
Elton F. Durfee	Commissioner of Public Works
Everett W. Higson	Councilman
George E. Bennett	Councilman

(Cranston - continued)

Members Appointed by the Mayor

William C. Kenney, Chairman
Joseph A. Cartier W. Easton Louttit, Jr.

Analysis of the Ordinance

Membership

Seven members, including the mayor (ex-officio), city engineer (ex-officio), two members of the City Council (appointed by Mayor for two year terms), and three citizens (appointed by the Mayor, one named each year for a three-year term).

General Duties

Make studies and investigations with respect to the progressive development of the city, leading to a comprehensive city plan. Make reports on matters referred by the City Council and Zoning Board.

Studies and Recommendations

Make studies, with recommendations to the City Council thereon, concerning recent or impending civic problems, including the arrangement and equipment of the physical structure of the city; improvement of tidal and inland waterways; causes and prevention of congestion of population, habitation, travel, and slum districts; improvement of rundown districts; and means for promoting public health and sanitation.

Duties of the City

Submit to the Board, for consideration and report, all proposed public projects and all proposed changes under the zoning laws.

Funds

As provided by the City Council (Current budget, \$1,000.).

Reports

Submit annual report to the City Council the third Friday in January.

CUMBERLAND PLANNING BOARD

Created by vote of Town Council February 7, 1935.

Present Membership

Abraham L. Healey, Chairman	Cumberland Hill
Albert J. Billington	Valley Falls
George E. Burke	Lonsdale
Ephrem J. Lachance	Ashton
Joseph H. McCourt	Valley Falls

EAST PROVIDENCE TOWN PLANNING BOARD

Created by vote of Town Council, December 23, 1935.

Present Membership

George H. Henderson, Chairman

Walter Balkcom	George F. MacDonald
Gilbert Barker, Sr.	T. Sowell Messinger
Alfred J. Coelho	Ralph W. Peckham
Robert H. Lowe	Michael Traficante

NARRAGANSETT TOWN PLANNING BOARD

Created by vote of Town Council, 1934.

Present Membership

Thomas G. Hazard, Jr., Chairman	John C. Joyce
Wilbur F. Berry	Richard F. Kenyon
Walter T. Caswell	John W. Knowles
John R. Champlin	Florence W. G. Pryor
Rudolph Iten	Charles F. Thatcher

Frederick R. Hazard, Secretary

NEWPORT CITY PLANNING BOARD

Created by ordinance, 1931.

Headquarters: City Hall.

Present Membership

Term expires

William R. Harvey	1937
Rev. Stanley C. Hughes	1938
Jeremiah J. Sullivan	1939
Herbert W. Smith	1940
Dr. Henry A. Martin (Chairman)	1941
John Russell Pope	1942
Leander K. Carr	1943

(Newport - continued)

Analysis of the Ordinance

Membership

Seven members for seven-year terms, one appointed each year by the mayor and confirmed by the Representative Council. The Commissioner of Public Works is ex-officio engineer.

General Duties

Keep informed on progress in other cities.

Studies and Recommendations

Traffic, health, recreation, convenience, general welfare, and other needs for improving the general plan of the city.

Consider and report, with relation to the city plan, on designs of new public ways, lands, buildings, bridges, parks, and other public places and structures; additions and alterations to public places and structures; and platting of new subdivisions of the city.

Duties of the City

City Departments and executive Health Officer to furnish information and advice.

NORTH SMITHFIELD TOWN PLANNING BOARD

Created by ordinance of Town Council, February 21, 1933.

Headquarters: Town Hall, Slatersville.

Present Membership

Ex-officio Member

Jesse H. Munroe

Councilman

Members Appointed by the Council

Carlisle W. Capron, Chairman
Francis A. Chiffolle

James H. Crook
Charles E. Seagrave

Analysis of the Ordinance

Membership

Five members, including one member of the Town Council to be appointed by the Council, and four qualified electors, two to be appointed annually by the Council president to serve two years.

(North Smithfield - continued)

General Duties

Make studies of the resources and needs of the town with respect to its future development; co-operate with other planning boards.

Studies and Recommendations

Investigate and consider problems of public buildings, housing, traffic, health, and recreation. Make a master town plan.

Reports

Annual report required in April.

PROVIDENCE CITY PLAN COMMISSION

Created by ordinance of City Council, December 2, 1913, amended 1922.

Headquarters: 520 Potters Avenue.

Present Membership

Ex-officio Members

Hon. James E. Dunne	Mayor
Raymond E. Shawcross	President, Board of Alderman
William A. Cahir	President, Common Council
Charles A. Maguire	Commissioner of Public Works
Henry J. McLaughlin	Chairman, Committee on Property
Joseph H. Lynch, Jr.	Chairman, Committee on Highways
John J. Finnegan	Chairman, Committee on Parks

Members Appointed by the Mayor

To serve until 1939

Royal B. Farnum
Arthur Henius

To serve until 1941

John Hutchins Cady
Joseph F. Farrell

Officers

John Hutchins Cady	Chairman
S. Frank Nolan	Engineer
Raymond P. McElroy	Clerk
Paul F. Holland	Office Manager

Analysis of the Ordinance

Membership

The mayor, president of the Board of Aldermen, president of the Common Council, Commissioner of Public Works, and the

(Providence - continued)

chairman of the committees on City Property, Highways, and Parks respectively, all ex-officio; four members appointed by the mayor, two named each two years for four-year terms.

Advisory Powers and Duties

Make studies with respect to progressive development of city.

Investigate impending problems with respect to congestion, slums, public health, et cetera.

Investigate and report on matters referred to it by City Council.

Prepare comprehensive city plan.

Duties of City

Departments and officers are to assist the Commission.

Reports

Annual report in January.

Funds

As appropriated by City Council (Current budget, \$2,000.).

SOUTH KINGSTOWN PLANNING BOARD

Created by vote of Council; March 26, 1935.

Present Membership

George E. Adams, Chairman M. Carey Gilbert, III
Albert W. Damon S. Rodman Robinson, Jr.
Dr. Charles A. White, Sr.

TIVERTON PLANNING BOARD

Created by vote of Council, March 15, 1933, in accordance with Chapter 804 of the Public Laws.

Present Membership

(Appointed 1936)

William A. Collins Mrs. Mary E. Garvey
Irving A. Crandall Mrs. Louise N. Prosser
Patrick Sheehan

ZONING ORDINANCES

An analysis of municipal zoning ordinances in Rhode Island is presented below:

<u>CITY or Town</u>	<u>Date of Enact. of Ordinance</u>	<u>No. of Use Dist's.</u>	<u>No. of Height Dist's.</u>	<u>No. of Area Dist's</u>	<u>Yard Reqm'ts.</u>	<u>Sub- divis. Plats</u>	<u>Zone Map</u>
PROVIDENCE	1923	5	4	4	x	O	x
WOONSOCKET	1923	4	3	4	x	O	x
CRANSTON	1924	4	2	4	x		x
Westerly	1925	4	3	3	x	R	x
Barrington	1926	3	1	3	x		x
E. Providence	1926	4	3	3	x	O	x
N. Smithfield	1926	5	2	1			x
NEWPORT	1927	5					x
PAWTUCKET	1928	4	3		x		x
N. Providence	1929	4	3	3	x	O	x
WARWICK	1930	4	1	3	x		x
Bristol	1931	4	2	5	x		x
Narragansett	1931	3	2	2	x		x
Johnston	1935	3	1	3	x		x
West Warwick	1935	3	1	1	x		x
E. Greenwich	1935	4	2	4	x		x
Jamestown	1935	3					x
S. Kingstown	1936	2	1	1	x		

NOTE: In the column "Subdivision Plats", O = optional and R = required.

PROVISIONS OF STATE PLANNING ACT

Authority is given by the State for cities and towns to enact zoning ordinances which will impose regulations on lands and buildings through the creation of districts of various classes, each class providing for uniform restrictions. Zoning ordinances do not effect uses established prior to the enactment of the ordinance.

The regulations which a municipality has the power to enforce under the zoning ordinance include provisions for the following:

The height, number of stories, and size of buildings.

The percentage of a lot that may be occupied by structures.

The size of required yards, courts, and other open spaces.

The number of required square feet of lot per family.

The location and use of buildings and land for residence, business, industry, and other purposes.

Power is given the courts to compel compliance with all zoning ordinances enacted. Provision is made for imposing fines for offenses against such ordinances.

The appointment of a Board of Review of five members, with power to hold hearings and to grant exceptions, is required of each municipality enacting a zoning ordinance. For more detailed information, see the text of the State law authorizing the enactment of zoning ordinances, given in the Appendix starting on page 36.

ZONED CITIES AND TOWNS

BARRINGTON

The zoning ordinance was adopted on March 25, 1926.

Present Zoning Board of Review

Henry P. Stone, Chairman	Robert L. Kelley
Frank D. Ciallella	M. M. Lavin
Howard C. L. Smith, Secretary	

Analysis of the Ordinance

Use Districts

Three use districts: dwelling house, business, and industrial.

Height Districts

One height district, limiting the height to 45 feet. This height may be exceeded by chimneys, towers, flag poles, wire-less towers, et cetera.

Area Districts

Three area districts, requiring a minimum lot area per family of 10,000 sq. ft., 7,000 sq. ft., and 3,200 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and defining front-yard requirements.

Zoning Map

A zoning map is made a part of the ordinance.

BRISTOL

The zoning ordinance was adopted on March 12, 1931, under authority of a special Enabling Act (Chapter 1450, P. L. 1929) authorizing the town council to create an ordinance without the authorization of a financial town meeting. This ordinance is otherwise subject to the provisions of Chapter 57 of the General Laws 1923, as amended.

Present Zoning Board of Review

James T. Pierce, Chairman	Salvatore Della Morte
Virginio J. de Rocha	Ezra Dixon, Jr.
John W. Card, Secretary	

Analysis of the Ordinance

Use Districts

Four use districts: residential, business, commercial, and industrial.

Height Districts

Two height districts: 35-foot and 50-foot. These heights may be exceeded by church spires, flag poles, wireless towers, et cetera, and also by setbacks under special provisions.

Area Districts

Five area districts, requiring a minimum lot area per family of 20,000 sq. ft., 10,000 sq. ft., 4,500 sq. ft., and 3,600 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and requiring front yards, side yards and rear yards.

Zoning Map

A zoning map is made a part of the ordinance.

CRANSTON

The zoning ordinance was adopted on January 18, 1924.

Present Zoning Board of Review

Henry E. Nugent, Chairman	Leon S. Sanders
George L. Crooker	Allen Strauss
Edward C. Drinkwater	
Frank H. Capron, Secretary	

(Cranston - continued)

Analysis of the Ordinance

Use Districts

Four use districts: dwelling house, apartment house, business, and industrial.

Height Districts

Two height districts: 50-foot and 75-foot. These heights may be exceeded by church towers, flag poles, elevator bulk heads, et cetera, and by setbacks under special provisions.

Area Districts

Four area districts, requiring a minimum lot area per family of 8,000 sq. ft., 4,000 sq. ft., 2,000 sq. ft., and 1,000 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and defining the minimum requirements for front yards, side yards, and rear yards.

Zoning Map

A zoning map is made a part of this ordinance.

EAST GREENWICH

The zoning ordinance was approved on June 6, 1935.

Present Zoning Board of Review

A. Elfer Benson
Walter D. Briggs

Edward G. Kottello
Michael Romano
Jesse W. S. Lillibridge, Clerk

Analysis of the Ordinance

Use Districts

Four use districts: residential, farm, business, and industrial.

Height Districts

Two height districts: 40-foot and 50-foot. These heights may be exceeded by towers, flag poles, wireless towers, etc.

Area Districts

Four area districts, requiring a minimum lot area per

(East Greenwich - continued)

family of 25,000 sq. ft., 20,000 sq. ft., 10,000 sq. ft., and 5,000 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and requiring front yards and side yards.

Book of Plats

A book of plats entitled "Zoning Maps of East Greenwich" is made a part of this ordinance.

EAST PROVIDENCE

The zoning ordinance was adopted on June 1, 1926.

Present Zoning Board of Review

John B. Carpenter, Chairman Thomas G. Henderson
Carl J. Clark William H. Noonan
Robert C. Glover, Clerk

Analysis of the Ordinance

Use Districts

Four use districts: residence, business, commercial, and industrial.

Height Districts

Three height districts: 35-foot, 50-foot, and 80-foot. These heights may be exceeded by church towers, wireless towers, et cetera, and by setbacks under special provisions.

Area Districts

Three area districts, requiring a minimum lot area per family of 3,200 sq. ft., 1,000 sq. ft., and 500 sq. ft., respectively.

Area of Lot Occupancy

The percentage of lot the building may occupy is not limited, but front, side, and rear yards are required.

Subdivision Plan

A subdivision plan may be submitted for areas of three or more acres.

Zoning Map

A zoning map is made a part of this ordinance.

JAMESTOWN

The zoning ordinance was adopted on October 28, 1935.

Present Zoning Board of Review

Cornelius J. Lyons, Chairman
Albert A. Boone

Eugene F. Lang
Harry T. Pitchers

LeRoy F. Meredith, Clerk

Analysis of the Ordinance

Use Districts

Three use districts: residential, business, and unrestricted.

Zoning Map

A zoning map is made a part of this ordinance.

JOHNSTON

The zoning ordinance was adopted October 9, 1935, under the provisions of Chapter 2233 of the Public Laws of 1935.

Present Zoning Board of Review

Arthur Fox, Chairman
H. Fleury

Robert Horgan
Michael Pezzullo

Ralph S. Mohr, Secretary

Analysis of the Ordinance

Use Districts

Three use districts: residential, business, and industrial.

Height Districts

There is one height district in which buildings are limited to 45 feet. This height may be exceeded by towers, flag poles, wireless towers, et cetera.

Area Districts

Three area districts, requiring a minimum area per family of 8,000 sq. ft., 6,000 sq. ft., and 5,000 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy and specifying front-yard requirements.

(Johnston - continued)

Zoning Map

A zoning map is made a part of this ordinance.

NARRAGANSETT

The zoning ordinance was adopted in 1931, under the provisions of Chapter 1277 of the Public Laws of 1928.

Present Zoning Board of Review

The Town Council acts as the Zoning Board of Review.

Frank M. Allen

Benjamin R. Curtis

Charles E. Champlin

Angelo F. Joy

George M. Westlake

Analysis of the Ordinance

Use Districts

Three use districts: residential, business, and commercial.

Height Districts

Two height districts: 35-foot and 50-foot. These heights may be exceeded by church spires, towers, et cetera, and by special permission in exceptional cases.

Area Districts

Two area districts, requiring a minimum lot area per family of 20,000 sq. ft. and 4,000 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and requiring front yards, side yards, and rear yards.

Zoning Map

A zoning map is made a part of this ordinance.

NEWPORT

The zoning ordinance was adopted on November 1, 1927.

Present Zoning Board of Review

James T. Kaull, Chairman
Walter S. Andrews

Edward J. Corcoran
William MacLeod

James W. Thompson

Analysis of the Ordinance

Use Districts

Five use districts: residential, business, commercial, industrial, and unrestricted.

Zoning Map

A zoning map is made a part of the ordinance.

Exemptions

Government-and state-owned lands are not restricted.

NORTH PROVIDENCE

The zoning ordinance was adopted on October 7, 1929.

Present Zoning Board of Review

Joseph J. Cunningham, Chairman
Clarence H. Broley
John Capuano

Charles Carey
Walter Carleen
Charles E. Hopkins, Clerk

Analysis of the Ordinance

Use Districts

Four use districts: dwelling house, apartment house, business, and industrial.

Height Districts

Three height districts: 35-foot, 50-foot, and 75-foot. Exceptions to these heights may be made by church spires, towers, et cetera, and by setbacks under special provisions.

Area Districts

Three area districts, requiring a minimum lot area per family of 4500 sq. ft., 2000 sq. ft., and 1000 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the per-

(North Providence - continued)

centage of lot a building may occupy, and requiring front yards, side yards, and rear yards.

Residential Development Plan

A plan is optional for areas of not less than two acres.

Zoning Map

A zoning map is made a part of the ordinance.

NORTH SMITHFIELD

The zoning ordinance was adopted on October 30, 1926.

Present Zoning Board of Review

John S. Colerick	Henry Helm
W. Russell Halliwell	Waldo Kelley
Percival Hendrick, Clerk	

Analysis of the Ordinance

Use Districts

Five use districts: single residence, general residence, business, industrial, and unrestricted.

Height Districts

Two height districts: 45-foot and 75-foot. Exceptions to these heights may be made by towers, domes, et cetera.

Area Districts

Only one area district is established, requiring a minimum lot area per family of 2500 sq. ft.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy.

Zoning Map

A zoning map is made a part of the ordinance.

PAWTUCKET

The zoning ordinance was adopted on February 22, 1928.

Present Zoning Board of Review

Felix J. Blais	John F. Hogan
Napoleon Brouillette	Francis J. Kennedy
Robert C. Kirk	

(Pawtucket - continued)

Analysis of the Ordinance

Use Districts

Four use districts: residence, business, industrial "A", and industrial "B".

Height Districts

Three height districts: 40-foot, 60-foot, and 100-foot. Exceptions to these heights may be made by belfries, cupolas, spires, et cetera, and by setbacks under special provisions.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy and requiring side yards and rear yards.

Zoning Map

A zoning map is made part of the ordinance.

PROVIDENCE

The zoning ordinance was adopted on June 6, 1923.

Present Zoning Board of Review

Arthur Henius, Chairman Archie W. Merchant
Edward G. Carr Joseph P. O'Rourke
Thomas H. Doane

Achille Mangianti, Secretary

Analysis of the Ordinance

Use Districts

Five use districts: dwelling house, apartment house, business, first industrial, and second industrial.

Height Districts

Four height districts: 50-foot, 75-foot, 100-foot and 125-foot. These heights may be exceeded by spires, towers, et cetera and by setbacks under special provisions.

Area Districts

Four area districts, requiring a minimum lot area per family of 4500 sq. ft., 2000 sq. ft., 1000 sq. ft., and 500 sq. ft., respectively.

(Providence - continued)

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy and requiring rear yards, side yards, and front yards.

Zoning Map

A zoning map is made a part of the ordinance.

Land Subdivisions

A residential development plan may be submitted to the Board of Review, for tracts of land of not less than two acres.

SOUTH KINGSTOWN

An ordinance zoning that portion of the town known as the Kingston Fire District was adopted on September 14, 1936.

Present Zoning Board of Review

The Town Council acts as the Zoning Board of Review.

Marshall C. Gilbert, President	Albert W. Damon
John Cirwein	Martin Dykstra
S. R. Robinson	

Analysis of the Ordinance

Use Districts

Two use districts: residential, and combined business and commercial.

Height Districts

Heights of buildings are restricted to 35 feet, with exceptions for church spires, towers, flag poles, et cetera.

Area Districts

A minimum lot area of 8,000 square feet is required for each building and accessory buildings appurtenant thereto, within the residential district. There are no area restrictions in the business and commercial district.

Area of Lot Occupancy

Minimum side yards of 10 feet and a front yard of 35 feet, the latter subject to variances, are required.

WARWICK

The zoning ordinance was adopted on April 30, 1930.

Present Zoning Board of Review

George Godwin, Chairman
Daniel Damon
S. Merrill Morse

Carl O. Sandberg
Andrew Yorstin
Raymond L. Miller, Clerk

Analysis of the Ordinance

Use Districts

Four use districts: residential, farming, business, and industrial.

Height Districts

All structures within residential districts are restricted in height to 40 feet.

Area Districts

Three area districts, requiring a minimum lot area per family of 40,000 sq. ft., 10,000 sq. ft., and 5,000 sq. ft., respectively.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and defining the minimum portion of the lot to be devoted to front and side yards.

Book of Plats

A book of plats entitled "Zoning Maps of the Town of Warwick" is made a part of the ordinance.

WESTERLY

The zoning ordinance was adopted on June 1, 1925.

Present Zoning Board of Review

Charles Fontana
James Jolly
Arthur L. Perry

Helen S. Price
D. Harold Rogers
Frank A. Sullivan
Louis J. Rossi, Inspector and Clerk

Analysis of the Ordinance

Use Districts

Four use districts: residential, business, commercial, and industrial.

Height Districts

Three height districts: 35-foot and 50-foot within the residential districts, and 50-foot and 80-foot within the other districts. These heights may be exceeded by church spires, towers, flag poles, wireless towers, et cetera, and by setbacks under specific provisions.

Area Districts

Three area districts, requiring a minimum lot area per family of 9,000 sq. ft., 6,000 sq. ft., and 3,000 sq. ft., respectively. Hotels or boarding houses are required to provide 1,000 sq. ft. of lot area for each sleeping room.

Area of Lot Occupancy

Front, side, and rear yard requirements are defined. The width of the lot determines the type of dwelling allowable.

Zoning Map

A zoning map is made a part of the ordinance.

Subdivision Plans

Subdivision development plans must be submitted to the zoning board of review for approval.

WEST WARWICK

The zoning ordinance was adopted on March 20, 1935, under the provisions of Chapter 2065 of the Public Laws of 1923.

Present Zoning Board of Review

The Town Council acts as the Zoning Board of Review.

Raymond Joyce, President
Fabrizio Marsocci

Louis Vasconceles
Thomas McCrystal

Hermenegilde J. Nadeau

Analysis of the Ordinance

Use Districts

Three use districts: residential, business and industrial, and farming.

(West Warwick - continued)

Height Districts

One height district, in which buildings are limited to 40 feet in residential districts.

Area Districts

There is one area district, requiring a minimum lot area per family of 5,000 sq. ft.

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy, and requiring front yards and side yards.

Zoning Map

A zoning map is made a part of this ordinance.

WOONSOCKET

The zoning ordinance was adopted on September 14, 1923.

Present Zoning Board of Review

Charles H. Hill
William Keough
Andrew J. Laferriere

Walter Lambert
E. J. Sauvageau

A. Edgar Parent, Secretary

Analysis of the Ordinance

Use Districts

Four use districts: dwelling house, apartment house, business, and industrial.

Height Districts

Three height districts: 50-foot, 75-foot, and 100-foot. Exceptions to this height may be made for church spires, towers, flag poles, wireless towers, elevator bulk heads, et cetera. The ordinance also provides for setbacks.

Area Districts

Four area districts, requiring a minimum lot area per family of 4,800 sq. ft., 2,400 sq. ft., 1,200 sq. ft., and 600 sq. ft., respectively.

(Woonsocket - continued)

Area of Lot Occupancy

Certain districts contain provisions limiting the percentage of lot a building may occupy and requiring front yards, side yards, and rear yards.

Zoning Map

A zoning map is made a part of the ordinance.

Land Subdivision Plans

A residential development plan may be submitted to the Board of Review, for tracts of land of not less than two acres.

PART IV - APPENDIX

AN ACT AUTHORIZING CITIES AND TOWNS

TO CREATE PLANNING BOARDS

(Chapter 804 of the Public Laws of 1926)

Section 1. Any city or town may create a planning board, for the purpose of making studies of the resources and needs of any such town, with reference to its physical growth and development as affecting the health, safety, morals and general welfare of the people and the economy and efficiency of communal life. In cities such boards shall be appointed by the mayor, subject to confirmation by the city council, and in towns shall be elected at the annual financial town meeting.

Sec. 2. Cities and towns may enact ordinances for carrying out the purposes of this act, and make appropriations therefor. Any such planning board may make special studies when requested by the city or town council and shall have access to available plans, records, surveys, and other data filed with any department of any such city or town. Such planning board shall report annually to the city or town council and may recommend plans and schemes of development and give estimates of the costs thereof, and shall make other reports upon such relative matters as may be from time to time referred to such commission by such town or city council.

Sec. 3. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

AN ACT AUTHORIZING CITIES AND TOWNS

TO ENACT ZONING ORDINANCES

(Chapter 57 of the General Laws of 1923, as amended)

Section 1. (As amended by Chapter 430 R.P.L., 1923) For the purpose of promoting health, safety, morals or general welfare, the city council of any city and the representative council of the city of Newport shall have power in accordance with the provisions of this chapter within the limits of such city by ordinance to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

For any and all of said purposes said city council or representative council may divide the municipality into districts of such number, shape and area as it may deem best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district but the regulations in one district may differ from those in other districts.

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Sec. 2. (As amended by Chapter 1762 P. L. 1931). No such ordinance shall be enacted, amended or repealed until after a public hearing has been held upon the question of the enactment, amendment or repeal of such ordinance, before the city council or representative council of such city, as the case may be, or a committee or commission authorized by such city council or representative council to investigate and make recommendations concerning such proposed ordinance, who shall first give notice of such public hearing specifying the time and place of such hearing by publication of such notice in a newspaper of general circulation within such city at least once each week for three successive weeks prior to the date of such hearing, at which

hearing opportunity shall be given all persons interested to be heard upon the matter of the proposed ordinance. The city council or the representative council of such city, as the case may be, shall have power, after a public hearing as herein provided, from time to time to amend or repeal any such ordinance and thereby change said regulations or districts: Provided, that, if there shall be filed in the office of the city clerk of such city on or before the day of such hearing or within three days thereafter a written protest against such proposed amendment or repeal signed and acknowledged by the owners of twenty per centum or more of the street frontage of the property proposed to be affected, or by the owners of twenty per centum or more of the street frontage directly opposite the property proposed to be affected, or by the owners of the property abutting on twenty per centum or more of the boundary line between the property proposed to be affected and the property immediately in the rear thereof when there is no street between said properties, no such amendment or repeal shall be passed except by a three-fifths vote of such city council or representative council and the approval of the mayor of such city, or if disapproved by such mayor, by a like vote as may be required by law to enact an ordinance in the case of disapproval by the mayor of such city. The word 'owner' as used in this section shall not be construed to include attaching creditors or lien holders other than mortgagees.

Sec. 3. The city council or the representative council of such city, as the case may be, shall have power to provide a penalty for the violation of any ordinance enacted under the authority of this chapter by fine not exceeding one hundred dollars for each offense and to provide that each day of the existence of any such violation shall be deemed a separate offense, such fine to inure to such city, and may also cause suit to be brought in the supreme or superior court in the name of such city to restrain the violation of, or to compel compliance with, the provisions of any such ordinance.

Sec. 4. The supreme court and the superior court, within their respective jurisdictions, or any justice of either of said courts in vacation, shall, upon due proceedings in the name of such city instituted by its city solicitor, have power to issue any extraordinary writs or to proceed according to the course of equity or both:

To restrain the erection, alteration or use of any building, structure or other thing erected, altered or used in violation of the provisions of any ordinance enacted under the authority of this chapter, and to order its removal or abatement as a nuisance:

To compel compliance with the provisions of any ordinance enacted under the authority of this chapter:

To order the removal by the owner of any building, struc-

ture or other thing existing in violation of any ordinance enacted under the provisions of this chapter and to authorize some official of such city in default of such removal by the owner to remove it at the expense of such owner.

When, under the provisions of any judgment, order or decree, in any such proceeding, any work is done or materials furnished by an official of such city or by the order of such official, at the expense of the owner, in removing a building, structure or other thing unlawfully existing, the value of such work and material may be recovered in an action of the case, brought in said superior court against such owner, and if any such work or materials shall have been done or furnished by or at the cost of such city, such official shall cause the same to be brought in the name of such city.

Upon the entry of any case or proceeding brought under the provisions of this chapter, the court shall at the request of either party advance the case, so that it may be heard and determined with as little delay as possible.

Sec. 5. No ordinance enacted under the authority of this chapter shall prevent or be construed to prevent the continuance of the use of any building or improvement for any purpose to which such building or improvement is lawfully devoted at the time of the enactment of such ordinance.

Sec. 6. Nothing in this chapter or any ordinance enacted under the authority of this chapter shall create or be construed to create any vested rights in any person, firm or corporation, or to be or create any incumbrance upon the title of any person, firm or corporation in any property affected by any such ordinance.

Sec. 7. The provisions of this chapter or of any ordinance enacted under the authority of this chapter shall not be deemed to abolish any existing remedies relating to nuisances, or to repeal any existing provisions of statutory law or ordinances relating to the erection, alteration or construction of buildings or other structures, or restricting the use thereof, or regulating businesses, trades or industries, or relating to nuisances: Provided, that the enactment, amendment or repeal of any ordinance under the authority of this chapter shall not be construed to be in any manner an exercise of any authority given by the provisions of chapter one hundred nineteen of the general laws, entitled "Of nuisances," or of any act in amendment thereof or in addition thereto, and provided, further, that after the passage of this chapter the exercise by the city council of any city or the representative council of the city of Newport of any authority given by the provisions of said chapter one hundred nineteen of the general laws or of any act in amendment thereof or in addition thereto shall not create any vested rights in any person, firm or corporation, or render said city liable in any manner to any person, firm or corporation.

Sec. 8. (As added by chapter 430 R.P.L. 1923.) The city council of any city and the representative council of the city of Newport may provide for the selection and organization of a board of review, and in the regulations and restrictions adopted pursuant to the authority of this chapter may provide that said board of review may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained or where such exception is reasonably necessary for the convenience or welfare of the public.

The board of review shall consist of five members, each to hold office for the term of five years; provided, however, that the original selections shall be made for terms of one, two, three, four and five years respectively. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of such board shall be open to the public.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be a public record.

Appeals to the board of review may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of review a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of review after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of review or by a court of competent jurisdiction on application therefor and upon notice to the officer from whom the appeal is taken and on due cause shown.

The board of review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The board of review shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

b. To hear and decide special exceptions to the terms of the ordinance, upon which such board is authorized to pass under such ordinance.

c. To authorize upon appeal in specific cases such variance in the application of the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers the board may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal was taken.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, and the concurring vote of four members of the board shall be required to decide in favor of the applicant on any matter within the discretion of the board upon which it is required to pass under any such ordinance or to effect any variation in the application of such ordinance.

Any person or persons, jointly or severally aggrieved by any decision of the board of review, or any officer, department, board or bureau of the municipality, may present to the supreme court a petition, duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of review to review such decision of the board of review and shall prescribe therein the time within which a return thereto must be made, which shall be not less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, upon notice to the board and on due cause shown, grant a restraining order.

The board of review shall not be required to return the

original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a master to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly or may modify the decision brought up for review.

Sec. 9. (As added by Chapter 643 P.L. 1925) The powers and duties prescribed by this chapter and all amendments thereto are hereby extended to the towns and cities within this state and the town council of any town (upon the approval of the financial town meeting of such town) may enact zoning ordinances in accordance with the provisions of this chapter and all amendments thereto. Whenever in said chapter the words 'the city council' or 'the representative council of the city of Newport' shall appear, the words 'town council' shall be added thereto, and the powers and duties under the provisions of said chapter and all amendments thereto granted to any city officer or official are hereby extended to any town officer or official having similar authority.

Sec. 10. (As added by Chapter 643 P.L. 1925) In every case where a city or town enacts zoning ordinances, it is hereby made mandatory upon the city council of any city, the town council of any town, or the representative council of the city of Newport, to provide a board of review in the manner prescribed by section 8 of this chapter and section 8 is hereby amended insofar as it relates to the duties of said city councils, town councils and representative council of the city of Newport.



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